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PATENT APPLN. NO. 10/743,745  
RESPONSE UNDER 37 C.F.R. § 1.116

PATENT  
FINAL

IN THE CLAIMS:

1. (currently amended) A hydrogen absorbing alloy represented by the formula  $\text{Ln}_{1-x}\text{Mg}_x\text{Ni}_y\text{Al}_a$  (where Ln is at least one element selected from rare earth elements,  $0.05 \leq x < 0.20$ ,  $2.8 \leq y < 3.9$  and  $0.10 \leq a \leq 0.25$ ), wherein, when said at least one element selected from rare earth elements includes La, a mole ratio of La in said at least one element selected from rare earth elements is not ~~greater than~~ greater than 0.5.

2. (previously presented) The hydrogen absorbing alloy according to claim 1, wherein Y is contained in the rare earth elements.

3. (previously presented) The hydrogen absorbing alloy according to claim 1, further containing Zr.

4. (previously presented) The hydrogen absorbing alloy according to claim 2, further containing Zr.

5. (currently amended) The hydrogen absorbing alloy according to claim 1, wherein ~~the alloy further comprises~~ part of